

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHANEL, INC.,
a New York corporation,

Plaintiff.

V.

LINDA ALLEN a/k/a LINDA ROONEY a/k/a
COURTNEY ALLEN d/b/a
EUROPEANBEAUTYFASHIONS.COM d/b/a
EUROPEAN BEAUTY FASHIONS d/b/a
MYCLASSYFASHION.COM d/b/a
MY CLASSY FASHION d/b/a
ULTIMATEDESIGNERSHANDBAGS.COM
d/b/a ULTIMATE DESIGNER HANDBAGS
and DOES 1-10.

Defendants.

CASE NO. 07-cv-4858 (NRB)

**DECLARATION OF ROBERT
HOLMES IN SUPPORT OF
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF REQUEST FOR
DAMAGES**

I, Robert Holmes, declare and state as follows:

1. I am an officer of IPCyberCrime.com, LLC formerly known as the Holmes Detective Agency, a licensed private investigative firm, located in Plano, Texas.

2. I am over 18 years of age and have personal knowledge of the facts set forth herein. If called upon to do so, I could and would competently testify as to the following facts contained herein in support of Chanel's Memorandum of Points and Authorities in Support of Request for Damages against Defendant Linda Allen a/k/a Linda Rooney a/k/a Courtney Allen d/b/a European Beauty Fashions d/b/a EuropeanBeautyFashions.com d/b/a My Classy Fashion d/b/a MyClassyFashion.com d/b/a UltimateDesignersHandbags.com d/b/a Ultimate Designer Handbag ("Defendant" or "Allen").

3. In or about November, 2005 I, per the instruction of Chanel's counsel, I conducted an investigation of Allen in connection with the sale of Chanel branded products through her website UltimateDesignersHandbags.com.

4. On or about November 4, 2005, I conducted a WHOIS search of "UltimateDesignersHandbags.com" through www.NetworkSolutions.com and determined that the domain name was created on March 25, 2005. The Registrant and the Administrative Contact is listed as Courtney Allen, 342 Cold Spring Road, Syosset, New York 11791, designerbags15@aol.com, (516) 635-0004." A true and correct copy of the WHOIS printout in connection with my search of UltimateDesignersHandbags.com through NetworkSolutions.com is attached hereto as Exhibit "1."

5. As part of my investigation, I called 516-635-0004, the number listed as the contact number for UltimateDesignersHandbags.com on the WHOIS report, and I spoke with a young sounding female who identified herself as "Courtney." Courtney referred me to 516-449-9000 as the number to call in connection with UltimateDesignersHandbags.com. I later called 516-449-9000 and reached voicemail which the outgoing message identified "Linda" as the owner of the voicemail.

6. On or about November 22, 2005, I accessed Allen's fully interactive Internet website UltimateDesignersHandbags.com and placed an order for the purchase of a handbag bearing the Chanel Marks at issue in this action for \$81.94, including shipping. I paid for the handbag via debit/credit card. The payee was identified as "ULTIMATE DESIGNER HAND AQUEBOQUE NY."

7. During my communications with Allen in connection with the purchase of the handbag through her website UltimateDesignersHandbags.com, I received a telephone call from the number (516) 921-9391. The female caller identified herself as Linda Allen and confirmed her current address as 342 Cold Spring Road. As part of my continuing investigation of Allen and her sale of counterfeit Chanel branded merchandise through her website

UltimateDesignersHandbags.com, I conducted a reverse lookup through Whitepages.com and determined that the telephone number 516-921-9391 belongs to Linda Allen and rings to 342 Cold Spring Road, Syosset, NY 11791.

8. I never received the handbag I ordered from Allen through her website "UltimateDesignersHandbags.com," nor have received a refund or any explanations despite my numerous attempts to communicate with Allen regarding this matter.

9. In or about May, 2007, I was again instructed by Chanel's counsel to conduct an investigation of Allen regarding her sale of Chanel branded products through the website MyClassyFashion.com.

10. On May 7, 2007, I conducted a WHOIS search through DomainTools.com of Allen's website MyClassyFashion.com and determined that the domain name was created on March 6, 2007. The Registrant, the Administrative Contact and Technical Contact are listed as Linda Allen Allen, 342 Cold Spring Road, Syosset, New York 11791, (516) 921-0836. A true and correct copy of the WHOIS printout in connection with my search of MyClassyFashion.com through DomainTools.com is attached hereto as Exhibit "2."

11. In or about May, 2007, I accessed Allen's fully interactive website MyClassyFashion.com, and placed an order for a pair of "Chanel Hanging Earrings" which were offered for sale as "Chanel Hanging Earrings." The earrings were overlapped to form the Chanel CC MONOGRAM mark. I paid \$29.95, including shipping. A true and correct copy of the webpage from Allen's MyClassyFashion.com website reflecting the Chanel Hanging Earrings I ordered is attached hereto as Exhibit "3."

12. On May 14, 2007, I finalized my order for the Chanel Hanging Earrings I purchased from Allen through her website MyClassyFashion.com, and paid the \$29.95 purchase

price via debit/credit card. The payee was identified as Ultimate Designer Hand 516-685-0004 NY US. The 516-685-0004 telephone number is the same telephone number identified as the telephone contact number on the WHOIS report for UltimateDesignersHandbags.com, and the same number I used to ultimately reach Linda Allen in connection with my purchase of the Chanel branded handbag from Allen's website UltimateDesignersHandbags.com.

13. On May 29, 2007, I received a package containing my purchase from Allen through her website MyClassyFashion.com. The return address on the package identified the shipper as Linda Allen, 516-921-0836, European Beauty Fashions, 342 Cold Spring Road, Syooset [sic], NY 11791. The telephone number identified on the outer packaging 516-921-0836 is the same telephone number listed as the contact number on the WHOIS report for MyClassyFashion.com. A true and correct copy of the outer package reflecting the shipper's return address information is attached hereto as Exhibit "4."

14. The Chanel Hanging Earrings I received from Allen in connection with my purchase through MyClassyFashion.com were not physically connected to form the CC MONOGRAM as advertised in the photograph on her MyClassyFashion.com website. Rather, they had only been photographed while arranged to look like the Chanel CC MONOGRAM. See Exhibit "3" identified above which reflects the Chanel Hanging Earrings offered for sale by Allen through her website MyClassyFashion.com.

15. Accordingly, in or about June, 2007, upon the instruction of Chanel's counsel, I placed an order, via Email, with Allen for the purchase of a handbag bearing the Chanel Marks at issue in this proceeding for \$89.96, including shipping, through her website MyClassyFashion.com. True and correct copies of the Emails between myself and Allen are attached hereto as Composite Exhibit "5."

16. On or about June 6, 2007, I finalized payment via debit/credit card for the purchase of the Chanel branded handbag from Allen through her website MyClassyFashion.com, however, the card was never charged nor was the order finalized and shipped by Allen. I later learned that Chanel had sued Allen on June 6, 2007 which explained why she never shipped the handbag she sold to me through her website MyClassyFashion.com.

17. During the course of the investigation of Allen and her sale of Chanel branded merchandise through her website MyClassyFashion.com, I received a telephone call from the number 516-921-9391 which is the same telephone number I received a call from in connection with my purchase from Allen through her website UltimateDesignersHandbags.com, and again identified the owner, of the number, through Whitepages.com, as Linda Allen and that the number rings to 342 Cold Spring Road, Syosset, New York.

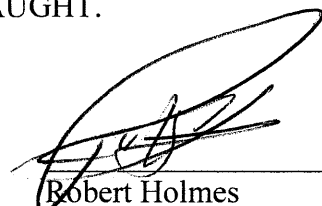
18. During my second telephone conversation with Allen, she identified herself as "Linda Allen," and advised that her home address is 342 Cold Spring Road, Syosset, New York 11791 and her home telephone number is (516) 921-0836. Those are the same address and telephone number reflected on the outer packaging for the Chanel Hanging Earrings purchased from Allen through her MyClassyFashion.com

19. Since my firm's retention by the Chanel on this matter, my firm has billed, and been paid, a total of \$1,511.89 for investigator fees and buy money to investigate Allen's counterfeiting activities.

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER DECLARANT SAYETH NAUGHT.

Dated this 07 day of April, 2008.



Robert Holmes